

ARTICLE APPEARED  
ON PAGE B 8WASHINGTON POST  
8 January 1985

JACK ANDERSON

## Rewald Fears U.S. Judge Is One-Sided

**H**ere is the latest development in the bizarre case of Ronald Ray Rewald, who is in hot water with the Central Intelligence Agency. His attorneys have accused a federal judge in Hawaii of cooperating with the agency and the Justice Department. As a result, they claim their client will not get a fair trial.

Judge Martin Pence is presiding in a civil case against Rewald, filed after his Honolulu-based investment firm was declared bankrupt in 1983. Rewald also must stand trial on 100 criminal counts of fraud and perjury.

The judge did not reply to a request from my associates Indy Badhwar and Dale Van Atta for his views of the defense attorneys' charges, and he has ordered Rewald not to discuss the case.

Despite the judge's gag order, I have had access to documents that Pence ordered sealed for "national security" reasons. They provide substantial evidence that the CIA was heavily involved in Rewald's investment firm, as he has claimed, and not just involved at a "low level," as the agency has insisted.

The evidence includes a wealth of cable traffic between the Honolulu investment firm and CIA's Langley, Va., headquarters. The cables establish a solid link between the two organizations.

The CIA connection is crucial to Rewald's case. Here's how Rewald's attorneys describe the judge's conduct in sworn statements and other court submissions:

■ Even though the judge declared that Rewald's involvement with the CIA was only "slight," he de-

nied Rewald's attorneys access to the investment firm's documents that might have proved a more serious CIA connection. But he allowed the CIA and FBI to examine the material at will.

■ At the request of government attorneys, Pence also sealed the 54-page affidavit and 95 supporting exhibits Rewald submitted to prove his CIA connection. Rewald's attorney, Robert A. Smith, said he regarded the exhibits as the most important proof of the CIA link. Yet several weeks after impounding the material, Smith said, the judge admitted in chambers that "he had not read one of the exhibits."

■ During the same conference, "Judge Pence also told me that various government lawyers had sworn to him . . . that Rewald had nothing to do with the CIA," Smith wrote, adding: "Judge Pence chose (I believe) to disregard the facts set forth in Rewald's affidavit, stating in open court that it was 'irrelevant' to the case." The judge never modified this comment despite substantial evidence brought forward in Rewald's defense.

■ During a bench conference, Smith wrote, "Judge Pence was clearly indicating to me that he distrusted Rewald completely and would not believe any assertion by Rewald" regarding how sealed information had leaked out to reporters.

When Smith tried to get the court reporter's transcript of the judge's comment, Smith's secretary was told she would have it in two weeks. Subsequently, the court reporter called Smith's office to say a copy would not be made available because the judge had told the reporter that his comments "were confidential and not to be transcribed."